

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

HAROLD B. WILSON,	)	4:11CV3215
	)	
Plaintiff,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
DIANE SABATKA-RINE, et al.,	)	
	)	
Defendants.	)	

This matter is before the court on Plaintiff's Objections to Deposition (filing nos. [38](#) and [41](#)) and Defendants' Motion to Extend Time to Serve Written Discovery (filing no. [43](#)). The court will address these motions in turn.

On August 27, 2012, the court granted Defendants' Motion for Leave to Take Plaintiff's Deposition. (Filing No. [36](#).) Thereafter, Plaintiff filed two Objections. (Filing Nos. [38](#) and [41](#).) In these Objections, Plaintiff complains that no deposition date or time was specified in the court's August 27, 2012, order and that Defendants' proposed date and time conflict with Plaintiff's scheduled telephonic court appearance in state court. (*Id.*) However, on October, 15, 2012, Defendants filed a Notice to Take Deposition with a new time that does not conflict with Plaintiff's telephonic court appearance. (Filing No. [42](#).) Plaintiff also refuses to be deposed before Defendants answer his discovery requests. (Filing No. [41](#).) However, and as discussed above, the court has already granted Defendants' Motion to Take Deposition and Plaintiff must comply. Accordingly, Plaintiff's Objections are denied.

Also pending is Defendants' Motion to Extend Time to Serve Written Discovery. (Filing No. [43](#).) In this Motion, Defendants seek to extend the time to serve written discovery, or to file a motion to compel discovery, by 30 days. (*Id.*) Defendants' Motion is granted and the progression deadlines in this matter are extended as provided in this Memorandum and Order.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Objections (filing nos. [38](#) and [41](#)) are denied.
2. Defendants' Motion to Extend Time (filing no. [43](#)) is granted.
3. Deposition and discovery deadline. All depositions, whether or not they are intended to be used at trial, shall be completed by **December 17, 2012**. All interrogatories, requests for admission and requests for production or inspection, whether or not they are intended to be used at trial, shall be served on or before **November 8, 2012**.
4. Motions to compel discovery shall be filed on or before **December 17, 2012**. The parties must comply with the provisions of [NECivR 7.0.1](#) before filing a motion to compel.
5. Dispositive Motions. All dispositive motions shall be filed on or before **January 17, 2013**. The parties must comply with the provisions of [NECivR 7.0.1](#) and [NECivR 56.1](#) when filing summary judgment motions.
6. Pretrial Conference.
  - a. Defense counsel will have the primary responsibility for drafting the Order on Final Pretrial Conference, pursuant to the format and requirements set out in [NECivR 16.2\(a\)\(2\)](#). The plaintiff will be responsible for cooperating in the preparation and signing of the final version of the Order. The Order should be submitted to the plaintiff and to any other parties by **March 15, 2013**. The plaintiff shall provide additions and/or proposed deletions to Defense counsel by **April 1, 2013**. Defense counsel shall submit the Proposed Order on Final Pretrial Conference to the court by no later than **April 15, 2013**. If a party proposes an addition or

deletion which is not agreed to by all the other parties, that fact should be noted in the text of the document. The Proposed Order on Final Pretrial Conference must be signed by all pro se parties and by counsel for all represented parties.

- b. The Final Pretrial Conference will be held before the Magistrate Judge on **April 25, 2013, at 9:00 a.m.** Prior to the pretrial conference, all items as directed in [NECivR 16.2](#) and full preparation shall have been completed so that trial may begin at any time following the Pretrial Conference.
- c. If a plaintiff is held in an institution, the pretrial conference will be by telephone. In that case, Defense counsel shall contact the plaintiff's institution in advance and arrange to initiate and place the conference call.

7. The trial date will be set by the Magistrate Judge at the time of the Final Pretrial Conference.

8. The Clerk of the court is directed to set a pro se case management deadline in this case using the following text: Pretrial conference before Magistrate Judge Cheryl Zwart to be held on April 25, 2013. DATED this 10<sup>th</sup> day of October, 2012.

BY THE COURT:

s/ Joseph F. Bataillon  
United States District Judge

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